



*Minutes of the Ordinary Meeting of Council  
30 October 2007  
commencing at 11:49 am*

---

**PRESENT**

**Councillors** – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

**Staff** – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P J Trotman (General Manager Development & Environment), R J Baade (General Manager Engineering), L Stayte (Acting Manager Planning) and S K Andrews (Corporate Support).

**07/1030/41      CONDOLENCES**

There were no condolences mentioned at the meeting.

**07/1030/42      DECLARATIONS OF INTEREST**

There were no declarations of interest presented to the meeting.

**07/1030/43      CONFIRMATION OF MINUTES – 9 OCTOBER 2007**

Moved Cr Egan Seconded Cr Sciacca

*“That the minutes of the Ordinary Council Meeting held on 9 October 2007 be confirmed.”*

**Carried** unanimously

**REPORTS**

**07/1030/44      DETAILS OF THE USE OF THE COUNCIL SEAL**

Moved Cr Berwick Seconded Cr Cox

*“That Council receives the report providing details of the use of the council seal and endorses the actions of the Mayor and Acting Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein.”*

**Carried** unanimously

**07/1030/45 DECISIONS OF COUNCIL STATUS REPORT**

Moved Cr Berwick

Seconded Cr Cox

*"That Council receives and notes the Decisions of Council Status Report."*

**ATTENDANCE/WITHDRAWAL**

The Acting Manager Planning, Louise Stayte, withdrew from the meeting at 12:01 pm.

**Carried** unanimously

**NOTICES OF MOTION**

**07/1030/46 MB0807M – DONATION TO DOUGLAS SHIRE COUNCIL STAFF SOCIAL CLUB**

*"That Council gives consideration to the request for a donation towards the Douglas Shire Council Staff Social Club Christmas party."*

**PROCEDURAL MOTION**

Moved Cr Sciacca

*"That item 07/1030/46 – MB0807M – Donation to Douglas Shire Council Staff Social Club, lies on table pending feedback from staff."*

**The motion was withdrawn**

Moved Cr Egan

*"That Douglas Shire Council hosts a function to celebrate the history of the Shire with staff and councillors being invited, and being held before 15 March 2008, with details to be decided on in the near future."*

**The motion was withdrawn**

**ADJOURNMENT OF THE MEETING**

The meeting adjourned for luncheon at 12:31 pm.

### RESUMPTION OF THE MEETING

The meeting resumed at 1:03 pm without the attendance of the General Manager Community & Corporate, David Carey.

The following motion was moved in relation to item 07/1030/46 – MB0807M – Donation to Douglas Shire Council Staff Social Club:

Moved Cr Cox

Seconded Cr Egan

07/1030/46

*“That Council refuses the request from the Douglas Shire Council staff social club and agrees to have a social function for Council staff to celebrate Douglas Shire Council history prior to the 2008 council election.”*

**Carried** unanimously

07/1030/47

### RD6507M – COUNCILLOR LINK-UP

*“That Council invites the Councillors of the Cairns City Council to a meet, greet and eat function to discuss the past, present and future of the union of our communities.”*

07/1030/48

### RD6607M – STAFF LINK-UP

*“That Council asks the core staff of Douglas Shire Council to invite the core staff of the Cairns City Council to a meet, greet and eat function to discuss the past present and future of the union of our communities.”*

### PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/1030/48A

*“That items 07/1030/47 – RD6507M – Councillor Link-Up and 07/1030/48 – RD6607M – Staff Link-Up, lie on the table so a staff response can be prepared.”*

**Carried** unanimously

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Davis

Seconded Cr Pitt

07/1030/48B

*"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of the settlement of the former Chief Executive Officer, Mr Terence Melchert."*  
(1:09 pm)

For: Cr Davis, Pitt, Egan, Sciacca

Against: Cr Berwick, Bellero, Cox

**Carried**

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public all staff and members of the gallery present, withdrew from the meeting.

The Acting Chief Executive Officer, Julia Leu, remained in the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

07/1030/48C

*"That the meeting be re-opened to the public."* (1:24 pm)

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

At the opening of the meeting to the public the General Manager Community & Corporate; the General Manager Finance & Administration, Ian Barton; the General Manager Development & Environment, Paul Trotman; and the Corporate Support Officer, Susanna Andrews, re-attended the meeting.

There were no recommendations forthcoming from discussions held while the meeting was closed to the public.

BRIEFING OF THE COUNCIL

Following the opening of the meeting to the public, a briefing of the Council was held with an update on the Local Transition Committee by the Mayor, Cr Berwick and Cr Cox; and the Project Management Report and Visit to China Camp by the General Manager Finance & Administration.

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate withdrew from the meeting at 1:35 pm.

The General Manager Engineering, Bob Baade, re-attended the meeting at 1:43 pm and withdrew at 1:47 pm.

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 1:48 pm.

The General Manager Community & Corporate and the General Manager Development & Environment re-attended the meeting at 1:49 pm.

07/1030/30      MCU 3B 046/02 – LOT A SR808245, PORT STREET, PORT DOUGLAS –  
REQUEST TO CHANGE DEVELOPMENT APPROVAL CONDITIONS

Moved Cr Berwick

Seconded Cr Egan

*“That Council:*

- A. *approves a request to delete conditions 4.3 and 4.5(c) and change conditions for application MCU 3B 046/02 for a Material Change of Use for a marina and waterfront industry on land described as Lot A on SR808245, Parish of Salisbury, and located at Port Street, Port Douglas, to read as follows:*

**Condition 4.1**

*The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development:*

- a) are to be generally in accordance with the plan titled “General Arrangement” Drawing No Q014043/CO1 C; and*
- b) may be carried out in stages with the first stage of the use being generally shown on drawing No Q014043 TP1.*

**Condition 4.3**

*Deleted.*

**Condition 4.4**

*The applicant shall prepare a detailed landscaping plan for the subject site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Local Planning Policy No 4 – Landscaping. This plan shall be submitted to Council for consideration and approval.*

**Condition 4.5(c)**

*Deleted.*

**Condition 4.7**

*The landscaping shown on the approved plan is to be completed in stages. Before development in that stage may be occupied, the landscaping for that stage is to be completed and maintained thereafter.*

**Condition 4.28**

*All car parking areas shall be constructed, sealed, drained and line marked to the satisfaction of Council. A minimum of 32 car parking spaces shall be provided in and constructed in stages in accordance with approved plans of development Q014043 TP1 as follows:*

*Stage 1(a) – 18 car parking spaces*

*Stage 1(b) – minimum of 14 car parking spaces.*

*Car parking shall be maintained in a safe, serviceable condition throughout the life of the use.*

**Condition 4.41**

*All conditions relevant to each stage shall be complied with prior to the occupancy of any building or the commencement of the approved use for that stage.*

**Mangrove Remediation - New Condition**

*Within two (2) years of the issuing of the amended Decision Notice (Change of Conditions), the applicant is to demonstrate to Council in written documentation that the construction of the drainage pipes recommended in the Natural Resource Assessment report (dated 22/12/03) has facilitated the recolonisation of the identified mangrove dieback area to the satisfaction of the Department of Primary Industries and Fisheries. To ensure the successful recolonisation of the identified mangrove dieback area, the developer shall lodge with Council a cash bond or guarantee to the value of \$7 500. Such guarantee shall be lodged prior to the commencement of the approved use if recolonisation has not been adequately demonstrated and will be returned on receipt of the required documentation.*

AND

- B. *refuses the request to amend condition 4.30 for application MCU 3B 046/02 for a Material Change of Use for a marina and waterfront industry on land described as Lot A on SR808245, Parish of Salisbury, and located at Port Street, Port Douglas."*

**Carried unanimously**



## **REPORTS – ACTING CHIEF EXECUTIVE OFFICER**

There were no reports presented to the meeting.

### **ADJOURNMENT OF THE MEETING**

The meeting was adjourned at 2:04 pm to resume on Thursday, 1 November 2007, at 2:00 pm.

### **RESUMPTION OF THE MEETING – 1 NOVEMBER 2007**

The Chair declared the meeting open at 2:02 pm.

### **PRESENT**

**Councillors** – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

**Staff** – J F Leu (Acting Chief Executive Officer) and S K Andrews (Corporate Support).

### **CLOSURE OF THE MEETING TO THE PUBLIC**

Moved Cr Berwick

Seconded Cr Egan

07/1030/30A

*“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of the settlement of the former Chief Executive Officer, Terence Melchert.” (2:03 pm)*

**Carried** unanimously

### **ATTENDANCE/WITHDRAWAL**

At the closure of the meeting to the public, Corporate Support Officer, Susanna Andrews, and members of the gallery present left the meeting.

Cr Davis attended the meeting at 2:04 pm.

### **OPENING OF THE MEETING TO THE PUBLIC**

Moved Cr Berwick

07/1030/30B

*“That the meeting be re-opened to the public.” (3:40 pm)*

**Carried** unanimously

### ATTENDANCE/WITHDRAWAL

At the opening of the meeting to the public the Corporate Support Officer re-attended the meeting.

The following recommendation was forthcoming from discussions held while the meeting was closed to the public:

Moved Cr Davis

Seconded Cr Egan

07/1030/30C

*“That Council authorises the Local Government Association of Queensland to negotiate the settlement of the former Chief Executive Officer, Terence Melchert.”*

For: Cr Davis, Egan, Sciacca, Pitt

Against: Cr Berwick, Cox, Bellerio

**Carried**

### ADJOURNMENT OF THE MEETING

The meeting was adjourned at 3:42 pm to resume on Tuesday, 20 November 2007, at 11:00 am.

### RESUMPTION OF THE MEETING – 20 NOVEMBER 2007

At the appointed time for resumption of the meeting there were no Councillors in attendance.

### FURTHER ADJOURNMENT OF THE MEETING

The Acting Chief Executive Officer therefore determined to adjourn the meeting to later in the day.

### RESUMPTION OF THE MEETING

The meeting resumed at 2:17 pm on Tuesday, 20 November 2007.

### PRESENT

**Councillors** – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

**Staff** – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), D V Crees (Acting General Manager Finance & Administration), P M Hoyer (Acting General Manager Development & Environment), P J Cymbala (Acting General Manager Engineering) and S K Andrews (Corporate Support).



**TERMINATION OF THE MEETING**

Following the resumption of the meeting the Council determined there was no further business to consider, and the meeting was terminated at 2:17 pm.

Presented to and confirmed by Council on the *eleventh* day of *December* 2007.

**M P Berwick**  
**Chair**

Confirmed